

Senate File 457 - Reprinted

SENATE FILE 457
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 82)

(As Amended and Passed by the Senate March 17, 2015)

A BILL FOR

1 An Act allowing the office of ombudsman access in the
2 performance of its duties to the minutes and audio recording
3 of a closed session.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 21.5, subsection 4, Code 2015, is amended
2 to read as follows:

3 4. a. A governmental body shall keep detailed minutes of
4 all discussion, persons present, and action occurring at a
5 closed session, and shall also audio record all of the closed
6 session.

7 b. (1) The detailed minutes and audio recording of
8 a closed session shall be sealed and shall not be public
9 records open to public inspection. However, upon order of
10 the court in an action to enforce this chapter, the detailed
11 minutes and audio recording shall be unsealed and examined
12 by the court in camera. The court shall then determine
13 what part, if any, of the minutes should be disclosed to the
14 party seeking enforcement of this chapter for use in that
15 enforcement proceeding. In determining whether any portion of
16 the minutes or recording shall be disclosed to such a party for
17 this purpose, the court shall weigh the prejudicial effects
18 to the public interest of the disclosure of any portion of
19 the minutes or recording in question, against its probative
20 value as evidence in an enforcement proceeding. After such
21 a determination, the court may permit inspection and use of
22 all or portions of the detailed minutes and audio recording by
23 the party seeking enforcement of this chapter. A governmental
24 body shall keep the detailed minutes and audio recording of any
25 closed session for a period of at least one year from the date
26 of that meeting, except as otherwise required by law.

27 (2) This paragraph "b" does not require the office of
28 ombudsman to obtain a court order to examine the detailed
29 minutes and audio recording of a closed session when such
30 examination is relevant to an investigation under chapter 2C
31 and the information sought is not available through other
32 reasonable means. Any portion of the minutes or recording
33 released by a governmental body to the office of ombudsman
34 shall remain confidential pursuant to section 2C.9.